(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CRIMINAL REVISION NO. 437 /2004

SMT. KAKULI DUTTA, WIFE OF SHRI WIJAN DUTTA, RESIDENT OF KOSANALA, BHILAI, POLICE STATION SUPELA, BHILAI, DISTRICT DURG [C.G.]

APPLICANT

Vs

3244/04

Filed on 27/8/04
by Shri Malay K. Basu
Advocate

27/8/04

1. WIJAN DUTTA, SON OF SHRI NIMLENDRA DUTTA, AGED ABOUT 37 YEARS.
2. SMT. SOMU MUKHERJEE, WIFE OF SHRI TANMAY MUKHERJEE, AGED ABOUT 32 YEARS.

BOTH RESIDENTS OF HOUSE NO. MIG.1/952, HUDCO BHILAI DISTRICT DURG

3. STATE OF CHHATTISGARH THROUGH THE COLLECTOR, DISTRICT DURG.

NON-APPLICANTS

PETITION UNDER SECTION 397 READ WITH SECTION 401 OF THE CODE OF CRIMINAL PROCEDURE, 1973

...ment dated

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(19)

मामला क्रमांक Cr.Rev.437/... **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20.07.2006

Applicant-Smt. Kakuli Dutta by Ms. Madhu Modi, Advocate.

Non-applicant No.3 by Shri Ravindra Agrawal, P.I.

Heard on admission.

This Criminal Revision is directed against the judgment dated 17.6.2004 delivered by the Special Judge & Additional Sessions Judge, Durg in Criminal Case No.398/2003 reversing the conviction of the non-applicants No.1 & 2 under Section 4 of the Dowry Prohibition Act 1961 and the sentence of rigorous imprisonment for one year and a fine of Rs.2000/- each awarded by the Judicial Magistrate First Class, Durg in Criminal Case No. 136/2001 vide judgment dated 8.9.2003.

Having heard the rival submissions, I have perused the record. The revisioner has in her statement before the learned trial Court not made any allegations against the non-applicants No.1 & 2 regarding the demand for dowry. Her testimony contained allegations only against her mother-in-law Kajal who died during the trial on 27.5.2002. In this view of the matter, the learned appellate Court rightly set aside the conviction of the non-applicants No.1 & 2 under Section 4 of the Dowry Prohibition Act and acquitted them. No such illegality or manifest error of law as would justify any interference in exercise of revisional jurisdiction in the impugned order dated 17.06.2004 is seen.

This revision being devoid of merit is dismissed *in limine*.

Sd/-
Dilip Raosaheb Deshmukh
Judge